



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

September 21, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#35 SEPTEMBER 21, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**APPROVE AMENDMENT NUMBER ONE FOR THE AGREEMENT BETWEEN
MONROVIA NURSERY COMPANY, AZUSA LAND PARTNERS, LLC, AND THE CONSOLIDATED
FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY REGARDING FIRE SAFETY
MITIGATION VESTING TENTATIVE TRACT MAP (VTTM) NO. 54057 IN THE CITY OF AZUSA**

SUBJECT

On May 30, 2006, your Board approved an agreement with the Monrovia Nursery Company and Azusa Land Partners, LLC (developers) that requires the developers to construct a replacement Fire Station 97 in the City of Azusa before the earlier of May 2011, or the issuance of 1,000 certificates of use and occupancy for Vesting Tentative Tract Map 54057 (Project) by the City of Azusa. Due to the economic downturn, only 125 homes have been built, yet the deadline for fire station construction is imminent. Due to the significant delay of the construction of new homes in this Project, your Board is being requested to approve the first Amendment to the agreement to grant the developers a four-year extension (from May 2011 to May 2015) to construct replacement Fire Station 97.

IT IS RECOMMENDED THAT YOUR BOARD:

ACTING AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT:

1. Approve and instruct the Chair of the Board to sign the attached Amendment Number One to the Agreement Regarding Fire Safety Mitigation between the Monrovia Nursery Company, Azusa Land Partners, LLC, and the Consolidated Fire Protection District of Los Angeles County (No. 75688), to be effective upon Board approval, to allow Azusa Land Partners, LLC, an additional four (4) years, from May 2011 to May 2015, to construct a 6,000 square foot replacement fire station, provided that the new station is complete and conveyed to the Fire District at the time that the City of Azusa issues the one thousandth (1,000th) certificate of use and occupancy for the construction of the

replacement fire station, or later as agreed to in writing by the Fire Chief of the Fire District.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

As part of the City of Azusa's mitigation requirements for Vesting Tentative Tract Map 54057 in the City of Azusa, the developers (Monrovia Nursery & Azusa Land Partners, LLC) entered into an agreement with the Fire District to construct a replacement Fire Station 97 and convey it to the Fire District before the earlier of May 2011 or the issuance of 1,000 certificates of use and occupancy for VTTM 54057 by the City of Azusa. Due to the economic downturn, only 125 homes have been constructed within the Project. The developers are requesting a four-year extension (from May 2011 to May 2015) to have replacement Fire Station 97 operational. The City of Azusa supports the extension. The Amendment also authorizes the Fire Chief of the Fire District to approve additional extensions, if necessary, should the economic downturn not improve within the next four years.

Background

Existing Fire Station 97 is a 54-year-old, 2,448 square foot station. Of concern is the station's location in relation to the Sierra Madre fault. Some studies indicate that the Sierra Madre fault setback zone runs through the northeast corner of the existing Fire Station 97 property, while other studies show it 60 feet to 300 feet north of the station. Therefore, as the Project was going through the entitlement process with the City of Azusa, the Fire District informed the City of the District's need for a replacement station that was with certainty outside the Sierra Madre fault setback zone. This would improve the Fire District's ability to provide uninterrupted fire protection services to the Project and the surrounding community should a significant seismic event occur on the Sierra Madre fault. As a result, the developers entered into the Fire Safety Mitigation Agreement with the Fire District to build a new 6,000 square foot replacement fire station on a .79 acre parcel within the Project located outside the Sierra Madre fault setback zone. The Fire District will convey ownership of existing Fire Station 97 to Monrovia Nursery within 60 days of acceptance of the new station.

Implementation of Strategic Plan Goals

This Amendment will ensure a viable facility is available to serve the new community and the vicinity when the Project is built, pursuant to the Strategic Plan Goal for Public Safety (Goal 5) to continue to maintain and improve the safety and security of the people of Los Angeles County.

FISCAL IMPACT/FINANCING

There is no fiscal impact to the Fire District, and there is no Net County Cost, as a result of Amendment Number One.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed Amendment is the first amendment to Agreement No. 75688, approved by the Board on May 30, 2006. This Amendment has been reviewed by representatives of the City of Azusa and approved as to form by County Counsel. It has been fully executed by Monrovia Nursery Company and Azusa Land Partners, LLC, and will be effective upon execution by your Board.

ENVIRONMENTAL DOCUMENTATION

N/A

CONTRACTING PROCESS

N/A

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of Amendment Number One would not have any impact on the Fire District's operations. Existing Fire Station 97 will continue to operate until the replacement station is operational.

CONCLUSION

Please instruct the Executive Officer, Clerk of the Board to return the following to the Fire District:

- Two (2) copies of the Minute Order and / or this approved letter, as applicable.
- Two (2) executed originals of the Amendment No. 1 and two (2) copies of the executed Amended Agreement.

The Fire District will return two sets of the original Amendment to the developers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Michael Freeman", with a long horizontal flourish extending to the right.

P. MICHAEL FREEMAN
FIRE CHIEF, FORESTER & FIRE WARDEN

PMF:bvs

Enclosures

c: Chief Administrative Office
County Council

1 **NOW, THEREFORE, IN CONSIDERATION** of the promises, covenants,
2 representations and agreements set forth herein, the parties mutually agree as follows:

3 **1. The MITIGATION AGREEMENT is hereby amended by modifying the following**
4 **provisions:**

5 A. PARAGRAPH 8, TIMING, of the MITIGATION AGREEMENT shall be
6 amended as follows:

7 8. TIMING. Owner shall determine the timing of the construction of the New
8 Station in its reasonable sole discretion, provided that the New Station is complete and
9 conveyed to District at the time that Azusa issues the one thousandth (1,000th) Certificate of
10 Use and Occupancy for the Project or by May 20, 2015, whichever comes first, or later as
11 agreed to in writing by the DISTRICT Fire Chief. Owner may rough grade the Fire Station
12 Building Site at an earlier stage of the Project in conjunction with grading, the Azusa Property
13 in the vicinity of the Fire Station Building Site. Owner shall install the standard water, sewer,
14 storm drainage, electric, gas, and telephone utility lines and systems for the New Station
15 pursuant to the Station Site Requirements (Exhibit F) and may perform such work at such
16 time that the utility facilities and systems are constructed to serve the portion of the Project in
17 the vicinity of the Fire Station Building Site.

18 2. All other terms and conditions of the MITIGATION AGREEMENT shall remain the
19 same and in full force and effect.

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1 IN WITNESS WHEREOF, OWNER, MONROVIA, and DISTRICT have executed this
2 Amendment on the date first written above.

**CONSOLIDATED FIRE PROTECTION
DISTRICT OF LOS ANGELES COUNTY**

By *Gloria Molina*
Chair, Board of Supervisors

**AZUSA LAND PARTNERS, LLC,
a Delaware limited liability company**

By: PLC Azusa Land Investment, LLC.
Delaware limited liability company,
Its Administrative Member

By: *Ch 611*
Christopher C. Gibbs, President

ATTEST:

SACHI A. HAMAI, Executive Officer
Clerk of the Board of Supervisors

By *[Signature]*
Deputy

**MONROVIA NURSERY COMPANY
a California corporation**

By *[Signature]*
Its: Chief Executive Officer

(SEAL)



APPROVED AS TO FORM:
ANDREA S. ORDIN

County Counsel

By *[Signature]*
Senior Deputy

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By *[Signature]*
Deputy

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ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

35 SEP 21 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

75688 Supplement No. 1